

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

EMMANUEL WYLIE,

Plaintiff,

v.

Case No. 14-51675

UNITED STATES,

Defendant.

ORDER DISMISSING COMPLAINT

Plaintiff Emmanuel Wylie filed a Complaint against the United States on December 9, 2014. (Dkt. # 1.) The Complaint is incomprehensible, containing various unintelligible assertions regarding UCC Financing Statements and an unrelated criminal matter in the state of Michigan where Plaintiff pled guilty to Attempted Carrying of a Concealed Weapon and was sentenced to a term of probation on August 28, 2014.¹

Generally, courts may not *sua sponte* dismiss a complaint where the filing fee has paid unless the court gives the plaintiff the opportunity to amend it. *Tingler v. Marshall*, 716 F.2d 1109, 1111–12 (6th Cir. 1983). However, a court may dismiss a complaint even when a filing fee has been paid “for lack of subject matter jurisdiction pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure when the allegations of a complaint are totally implausible, attenuated, unsubstantial, frivolous, devoid of merit, or no longer open to discussion.” *Apple v. Glenn*, 183 F.3d 477, 479 (6th

¹State of Michigan Third Judicial Circuit Court, Wayne County Case No. 14-007174-01-FH. The court takes judicial notice of the issuance of a warrant for a violation this probationary sentence on December 16, 2014. See <https://cmspublic.3rdcc.org/CaseDetail.aspx?CaseID=2414067>.

Cir.1999); *see also Neitzke v. Williams*, 490 U.S. 319, 327 n. 6 (1989) (“A patently insubstantial complaint may be dismissed, for example, for want of subject-matter jurisdiction under Federal Rule of Civil Procedure 12(b)(1).”).

Plaintiff’s indecipherable complaint meets this standard. It is frivolous and devoid of merit. Accordingly,

IT IS ORDERED that this Complaint is DISMISSED for want of subject-matter jurisdiction.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: December 23, 2014

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, December 23, 2014, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522